

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

TABITHA DICKERSON,

Plaintiff,

V.

DONAL CAMPBELL, et al.,

Defendants.

CASE NO. 2:05-CV-576-MEF

## RECOMMENDATION OF THE MAGISTRATE JUDGE

Tabitha Dickerson [“Dickerson”], a state inmate, filed this 42 U.S.C. § 1983 action on June 15, 2005. In this complaint, Dickerson asserts that she was exposed to second-hand smoke during her confinement at the Julia Tutwiler Prison for Women. The court recently ascertained that Dickerson no longer resided at the last address she had provided for service. The order of procedure entered in this case specifically directed Dickerson to immediately inform the court of any new address. *Order of June 21, 2005 - Court Document No. 5* at 4. Since Dickerson failed to comply with this directive, the court entered an order requiring that on or before May 17, 2007 the plaintiff show cause why this case should not be dismissed for her failure to inform this court of her present address. *Order of May 7, 2007 - Court Document No. 20*. Additionally, the court cautioned Dickerson that her failure to comply with the aforementioned order would result in a recommendation that this case be dismissed. *Id.* Dickerson has filed nothing in response

to the order entered on May 7, 2007. The court therefore concludes that this case is due to be dismissed.

### **CONCLUSION**

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for failure of the plaintiff to properly prosecute this action and her failure to comply with the orders of this court. It is further

ORDERED that on or before June 4, 2007 the parties may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party is objecting. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and advisements in the Magistrate Judge's Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from attacking on appeal factual findings in the Recommendation accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981,

*en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done this 21<sup>st</sup> day of May, 2007.

/s/ Wallace Capel, Jr.  
WALLACE CAPEL, Jr.  
UNITED STATES MAGISTRATE JUDGE